

IMMIGRATION



NEW EXECUTIVE ACTION ON IMMIGRATION
NOVEMBER 20, 2014

PRESENTED BY THE CASTRO FIRM, INC.

DEFERRED ACTION FOR PARENTAL ACCOUNTABILITY (DAPA) –BENEFITS

- Work Authorization:- The ability to legally work for any employer, except where job limited to US citizen applicants;
- Driver's License:- Once DAPA approved, you may apply;
- You no longer need to fear being picked up by ICE or put in removal proceedings, unless you later commit a crime.

WHO QUALIFIES FOR DAPA?

- You must show evidence that you continuously resided in the U.S. since January 1, 2010;
- You must be the parent of a U.S. Citizen or Lawful Permanent Resident child born on or before November 20, 2014;
- You have no criminal record which would make you an enforcement priority.



EXTENDED BENEFITS UNDER THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) PROVISIONS

- Continuous residence period which must be proved now reduced (January 1, 2010, rather than June 15, 2007);
- Employment authorization period extended from 2 to 3 years;
- Upper age restriction removed, those born before June 15, 1981 who otherwise qualify may now apply.

EXPANDED PROVISIONAL UNLAWFUL PRESENCE WAIVERS

- Children of U.S. Citizens who are over 21 and/or married ; as well as
- Spouses and/or children of Lawful Permanent Residents, may now qualify under the 2013 program.
- New guidelines will shortly be issued clarifying what constitutes “extreme hardship” to qualify for the I-601A waiver.

IMPLEMENTATION TIMELINE

- DAPA – by end of May, 2015;
- DACA Adjustments – by end of February, 2015;
- Provisional Unlawful Presence Waiver Adjustments – once new regulations and guidelines are issued.

FREQUENTLY ASKED QUESTIONS

- Q. - What documents will I need to apply for DAPA?
- A. - Tax returns, birth certificates of children born in the U.S., pay stubs, lease/rental agreements, medical records, bank statements, utility bills are common examples. These must be produced for the period January 2010 to present. Identity documents are also needed.

FREQUENTLY ASKED QUESTIONS (cont'd)

- Q. - Will my criminal history affect my eligibility for DAPA?
- A. – Yes. While specific criteria have not yet been issued, serious criminal offences such as felony convictions, as well as significant misdemeanors including a single DUI, may disqualify you. DAPA is discretionary and USCIS will review each application on a case by case basis.

FREQUENTLY ASKED QUESTIONS (cont'd)

- Q. – What are the USCIS filing fees for DAPA, DACA and the I-601A Waiver?
- A. – USCIS has not yet advised as to the DAPA filing fee. Currently there is no filing fee for DACA, but applicants must pay Employment Authorization and Biometrics fees totalling \$465.00. The I-601A filing fee is currently \$670.00.

CAUTIONS

- If you have prior criminal convictions or immigration violations such as a deportation order, seek legal advice before applying;
- If DAPA is denied, you have provided evidence confirming your removability and may find yourself in Removal/Deportation Proceedings;
- Using “Immigration Agencies” or “Notarios” may jeopardize an otherwise valid case. Use only licensed and experienced immigration attorneys to assist you.

CONCLUSION /CONTACT INFORMATION

- The Castro Firm, Inc. wants our community to benefit from competent immigration legal advice.

- Please contact us at:

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